

EXHIBIT A.3

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15 July 2013

Brian A. Hill, Esq.
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655 Fifteenth Street, NW
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Re: Personal injury to Ms. Shayna Elliott

Dear Mr. Hill:

You have asked me for my opinion of the information that would assist a jury in fairly assessing economic and non-economic damages in the above referenced legal action. This report presents a brief background of the case together with the information I believe would assist the jury in considering the claim for economic and non-economic damages. In this report I also provide the disclosures required in Federal Rule 26 pertaining to expert testimony.

Background and Understanding

I understand that on 22 January 2002 Ms. Elliott, then age 19, was injured from what is alleged to have been an intentional attack. The defendants deny responsibility for the incident. You have asked me to address the reasonable economic and non-economic damages should an award be made in favor of plaintiffs.

Scope of Report

This report presents my opinion, with supporting evidence, of information that would assist a jury in considering an award of economic and non-economic damages in the case of Ms. Elliott. The approach applied is analysis of total awards for economic and non-economic damages in cases reasonably like the personal injury experienced by the plaintiff.

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Beyond Scope of Report

I express no opinions regarding liability in the subject action.

Qualifications

I have thirty-four years of experience as an expert witness and consultant in forensic economics and accounting, addressing damages for personal injury, wrongful death, employment torts, commercial damages, and business and financial asset valuation. During that time, forensic economics has been virtually my entire practice, and the assessment of personal damages for injury, death, employment and other torts has been the large majority and focus of my forensic practice. I have addressed personal damages for U.S. citizens and for foreign nationals under the damages laws of numerous jurisdictions and in complex cases where the law of damages was fashioned for the case. For example, I was forensic economic expert for plaintiffs in the following noteworthy cases:

- The Vietnamese Babylift Aircrash Disaster occurring 4 April 1975 for approximately 140 surviving injured children and for approximately 140 children killed in the crash.¹
- For the flight crew of Pan Am Flight 103, the Lockerbie Bombing, occurring 21 December 1988.²
- For victims of the terrorist-related aircraft crashes of September 11, 2001 under the September 11th Victim Compensation Fund (VCF) established by the U.S. Congress following the disaster.³

I have been an officer or director of the major professional organizations for forensic economics: the National Association of Forensic Economics (NAFE), of which I was elected Vice-President; the American Academy of Economic and Financial Experts (AAEFE), for which I served two non-consecutive terms on the board of directors; and the Collegium of Pecuniary Damages Experts (CPDE), of which I am currently past-President. I have authored publications on forensic economics in peer-reviewed academic journals. I am frequently invited to speak at professional meetings for forensic economists. My curriculum vitae is attached.

¹ http://en.wikipedia.org/wiki/Tan_Son_Nhut_C-5_accident.

² https://en.wikipedia.org/wiki/Pan_Am_Flight_103.

³ <http://www.vcf.gov/faq.html>.

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Basis

I was provided and reviewed the Economic Loss Reports of Michael Soudry, M.B.A., dated 18 March 2013 and 2 May 2013, and the deposition testimony related to Ms. Elliott which described the injuries sustained. I also obtained documents and information about court verdicts for personal injury, about compensation to victims of the September 11, 2001 terror attacks in the United States and about disability payments to United States military veterans. All of the documents and information I reviewed in working on this assignment are listed in report Appendix A, Documents Reviewed. In reaching my opinion I also relied on my judgment, experience and expertise developed through over thirty years as a forensic economist assessing personal damages.

Supporting Information and Analyses

I have selected three major sources of relevant information about the amount of compensation for personal injury and I present them as objective information that is consistent with my opinion formed by experience and expertise. These sources are:

- The statistically expected damages that a New York jury would award for economic and non-economic damages in cases involving reasonably similar injuries, based on analysis of actual jury verdicts.
- The amounts awarded for economic and non-economic damages for personal injuries resulting from the terror attacks in the United States of September 11, 2001, through the Victim Compensation Fund (VCF).
- The amounts our disabled military veterans are compensated through the United States Veterans Administration.

I have prepared analyses for each of these information topics together with a summary. The attached schedules are:

Schedule 1, Summary, Analysis of compensation for personal injury

The summary shows the results of damages indicated by the three sources detailed in Schedules 2, 3 and 4. The indicators for total economic and non-economic damages range from a low of approximately \$143,000 to a high of approximately \$1,303,000, averaging approximately \$580,000.

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Schedule 2, Analysis of court verdict data for comparable personal injury claims

The Jury Verdict Research (JVR) company, a subsidiary of the legal information and publishing company Thompson Reuters, is a data acquisition and publishing company that has collected case information, jury verdicts and settlement information for nearly 400,000 personal damages cases in the United States. In conjunction with the case data, JVR provides an analytical service that permits one to specify case parameters and obtain a detailed report of probable award amounts. Schedule 2 shows the case parameters for the analysis specified to provide an estimate of the probable award related to the injuries of Ms. Elliott. The analysis results in a verdict award estimate of approximately \$1,303,000, total, for both economic and non-economic damages.⁴

Schedule 3, Analysis of 9/11 Victim Compensation Fund awards for personal injury

The United States government established a victim compensation fund in 2001 to compensate victims of the terror attacks in the United States of September 11th, 2001. The Victim Compensation Fund (VCF) compensated victims of the September 11th attack for both economic and non-economic damages. The Special Master overseeing the fund took care to create guidelines for compensation that would be both fair and transparent.

Schedule 3 presents data from the final report of the Special Master of that compensation fund for categories of claimants that appear comparable to the circumstances of Ms. Elliott in 2002. For reference purposes it also presents data for injury awards to uniformed workers (Police, Fire, Emergency Medical Services and Port Authority). It is important to note that the reported awards include compensation for both economic and non-economic damages, and that the awards have been reduced for any applicable collateral source receipts. As to fairness of the VCF plan of compensation, the Special Master stated that "The presumed methodology was designed to provide generous awards to the families"⁵ As a female 19 years of age at the time, Schedule 3 shows that the injury compensation for economic and non-economic damages for the bracket averaged approximately \$143,000. Average compensation for all persons with "multiple injuries" was approximately \$344,000.

⁴ JVR Case Evaluation Service report, Jury Verdict Research unit of Thomson Reuters, at <http://www.juryverdictresearch.com/case-evaluation-services.cfm>.

⁵ "Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001", page 7.

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Schedule 4, Analysis of compensation to U.S. disabled military veterans

United States military service personnel who sustain injury and disability in their service are compensated through a program administered by the U.S. Veterans Administration. Payments are related to the degree of disability, or rated disability percentage, and are paid to the service member for life, with annual cost of living (COLA) adjustments. Schedule 4 provides a reference table to the present value of lifetime disability compensation by percent disability rating for the number of years of remaining life (life expectancy). In the analysis the economic factors of present value for inflation (COLA) and for return on investment are based on U.S. Congressional Budget Office projections issues February 2013. To apply the table to Ms. Elliott, assuming approximately 60 years of life expectancy from injury and assuming a disability rating of 80%, the present value of compensation for a similar military veteran would be a lump sum of approximately \$532,000. The reader can apply other assumptions from the table in Schedule 4.

Findings and Opinion

In my opinion the information and analysis in this report and its Schedules 1 through 4 provides substantial evidence for a trier of fact to consider in reaching a just and fair award verdict in the matters of Ms. Elliott should the trier of fact find liability.

Certification

1. The statements of fact, reported analyses, opinions and conclusions expressed in this study are to the best of my knowledge and belief true and correct.
2. This valuation was performed on a basis of non-advocacy, and I have no present or contemplated interest in the litigation, nor any interest or bias, which would impair a fair and unbiased appraisal. My compensation for this appraisal is independent of the value reported and is not contingent on any action or event resulting from the appraisal.
3. This appraisal has been conducted and this report issued in conformity with the Statement of Ethical Principles and Principles of Professional Practice of the National Association of Forensic Economics and the Statement of Ethical Principles of the American Academy of Economic and Financial Experts.

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4. ~~No one provided significant professional assistance to me in the conduct of this appraisal.~~

Appendix A lists the documents I was provided or obtained, reviewed or considered that were relevant to my opinions in this report.

My qualifications and list of publications authored in the previous ten years are contained in my resume, which is attached to this report as Appendix B.

A list of all other cases in which I have testified as an expert at trial or by deposition during at least the previous four years is attached as Appendix C.

My compensation for review, analysis and preparation of this report is at my standard hourly rate of \$380. Subsequent expert services related to his case, including deposition and trial testimony, will be at my standard hourly rate of \$380 per hour. No invoice for services performed has been rendered as of this date.

For trial testimony I expect to use the four schedules of this report as exhibits supporting my testimony.

Should resolution of this matter require my testimony in deposition or trial, I would appreciate the opportunity to incorporate any additional data then known.

I hope this information contributes to a fair resolution of this matter. If you require further assistance, I would be pleased to respond.

Very truly yours,



Rick R. Gaskins, MBA, CPA

Attachments: Schedules 1, 2, 3 and 4

Appendix A, Documents Reviewed

Appendix B, Resume of Rick R. Gaskins, MBA, CPA

Appendix C, Testimony List, Rick R. Gaskins, MBA, CPA

Schedule 1

Ms. Shayna Elliott

Indicators of reasonable damages for injuries sustained

Total awards for economic (EC) and non-economic (NEC) compensation

| | Reference schedule | Total award for EC + NC compens |
|---|-----------------------|--|
| Analysis of jury verdict data for fact pattern | 2 | \$1,303,000 |
| Analysis of 9/11 Victim Compensation Fund awards for injury | | |
| All females age 25 and under | 3 | \$142,882 |
| Multiple injuries | 3 | \$343,669 |
| Disabled veterans, present value of lifetime compensation | 4 | \$531,993 |
| Life expectancy years at injury approximately: 60 | | |
| And assuming percent disability: 80% | | |
| <hr/> | | |
| Indicators low | | \$142,882 |
| Indicators average | | \$580,000 |
| Indicators high | | \$1,303,000 |
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(EXHIBITS OMITTED)